

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION**

<b>DAVID EARL ROACH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 4:11-cv-00074</b>
	)	
<b>SANFORD, L.P. and NEWELL</b>	)	<b>District Judge Harry S. Mattice, Jr.</b>
<b>RUBBERMAID, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

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**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant moves the Court to enter an Order granting summary judgment in its favor. Plaintiff can neither establish a prima facie case of workers' compensation retaliation nor rebut Defendants' legitimate reason for his termination: his undisputed violation of its attendance policy. It is undisputed that Plaintiff violated Defendant's attendance policy. It is undisputed that Plaintiff's violation of the policy was a terminable offense. It is undisputed that Plaintiff was treated similarly to others who have been terminated for violating the attendance policy. Finally, Plaintiff admits that he has no proof that anyone at Defendant was motivated to terminate his employment because of his workers' compensation claim. Because there are no genuine issues of material fact, Defendant is entitled to judgment as a matter of law.

In support of its Motion, Defendants rely upon the contemporaneously submitted Memorandum of Law and deposition excerpts.

s/ Marcus M. Crider

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via the Court's ECF electronic filing system upon:

H. Thomas Parsons, Esq.

PARSONS & NICHOLS

101 West Main Street

Manchester, TN 37355

on this 9<sup>th</sup> day of October, 2012.

s/ Marcus M. Crider